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Election of invention

Applicants traverse the restriction requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect for examination the invention of Group 2, claims 1 to 10 and 14, directed to an isolated nucleic acid molecule encoding CARD-containing polypeptide CARD-12X, a functional fragment thereof, or a nucleic acid molecule that hybridizes thereto; a vector and cell containing the CARD-12X encoding nucleic acid molecule; a composition containing the CARD-12X encoding nucleic acid molecule; an oligonucleotide containing at least 15 contiguous nucleotides of the CARD-12X encoding nucleic acid molecule; a kit containing an oligonucleotide; and a method for producing a CARD-12X polypeptide. Applicants reserve the right to pursue prosecution of non-elected subject matter in one or more related applications that claim the benefit of priority to the subject application.

The restriction requirement is traversed with respect to the division of the claims of elected Group 2 from the remaining claims in the present application. In this regard, Applicants submit that search and examination of the entire application would not pose an undue burden on the Examiner.

In particular, Applicants traverse the division of the claims of Group 2 from the claim of Group 13. Applicants submit that, while the claims of Group 2 are patentably distinct from the claim of Group 13, a thorough search of the claims of Group 2 will result in art relevant to the examination of the

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claim of Group 13. Two of the claims of Group 2 recite an oligonucleotide containing at least 15 contiguous nucleotides of a CARD-12X encoding nucleic acid molecule (claims 8 and 9), and claim 10 of Group 2 is directed to a kit that contains at least one oligonucleotide according to claim 9. The claim of Group 13 (claim 21) is directed to a method for identifying a nucleic acid molecule encoding CARD-12X that involves contacting a sample with the oligonucleotide of claim 8.

Applicants submit that a search of the isolated oligonucleotide of claim 8 (Group 2) will overlap with a search of using the oligonucleotide in the method of claim 21 (Group 13). In this regard, if the oligonucleotide of claim 8 is determined to be free of prior art, the use of the oligonucleotide in the method of claim 21 also will be free of prior art. In view of the overlapping search relevant to claims 8 and 21, Applicants submit that the Examiner would not be seriously burdened to search and examine the claims of Groups 2 and 13 together, and doing so would increase the efficiency of the search and examination process for this application.

Regarding the sequence election requirement

The Office Action sets forth a requirement that Applicants elect a sequence with respect to the claims of Groups 1, 3, 4, 6, 7 and 9. Specifically, the Office Action indicates that either a particular full length sequence or a domain of that sequence must be elected. Applicants traverse the sequence election requirement because a domain of a nucleotide or amino acid sequence is encompassed within the

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corresponding full length sequence and that accordingly, search and examination of a full length sequence, including its domain(s), would not pose an undue burden on the Examiner. However, this species election requirement does not pertain to the claims of Group 2, which have been elected by Applicants in the present response.

Regarding Claim 28

The Office Action states that claim 28 is confusing for reciting a reagent that can bind to a CARD-containing nucleic acid molecule under conditions that allow specific binding to the reagent to a CARD-containing polypeptide. Applicants will address the language of this claim at the time of its prosecution.

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CONCLUSION

In view of the remarks submitted herein, Applicants elect claims 1 to 10 and 14 of Group 2 for examination, and request that the Examiner reconsider the restriction requirement and examine claim 21 (Group 13) together with the elected claims.

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